

**Enrolled Minutes of the Sixty-Sixth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, October 4, 2010**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, October 4, 2010 at 6:45 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper, and Mark Herak were present. Councilor Brian Novak was absent owing to a work commitment. The Deputy Clerk-Treasurer, Kathleen A. Dowling was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, October 4, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Deputy Clerk-Treasurer, Kathleen A. Dowling, was present to memorialize the proceedings.

The session was opened with Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Brian Novak was absent owing to a work commitment. The Deputy Clerk-Treasurer, Kathleen A. Dowling was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Attorney, P.C.; John M. Bach, Public Works Director, Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Ken Mika, Building Commissioner; and Cecile Petro, Redevelopment Director were also present.

Also present: Karen Ziants and Dawn Wolak of the Community Events Commission.

Robin Carlascio of the Idea Factory and Editor of the monthly municipal newsletter was also present.

Minutes of the Previous Session

The minutes of the regular meeting of 20 September 2010 were approved by general consent.

Special Orders:

1. **Pre-Adoption Hearing of the Proposed Fiscal Year 2011 Budget for the Town of Highland:**

- (a) Attorney verification of Proofs of Publication: The TIMES: 9-01 & 9-09; Post-Tribune: 9-01 & 9-08). Attorney Rhett Tauber indicated that proofs of publication were in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Introduction of **Proposed Ordinance No. 1478:** An Ordinance of Appropriations and Budget Levies and Rates for the 2011 Budget. *Councilor Zemen introduced Proposed Ordinance No. 1478. Councilor Herak reviewed the original budget instructions highlighting the 4.5% reduction, less insurance increases.*
2. Review of Budget of the Sanitary District, pursuant to IC 6-1.1-17-20. *The Budget is not increased over the prior year. However, under amendments to IC 6-1.1-17-20, the Sanitary District body shall submit its proposed budget and property tax levy to the town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the town fiscal body is required to hold budget approval hearings under this chapter. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The Board of Sanitary Commissioners is expected to consider budget at adoption meeting of October 5, 2010. The final adoption vests with the Town Council. The Town Council should take its final action at its special meeting of October 29, 2010.*
- (a) Introduction of **Enactment No. 2010-43:** Fiscal Body Reviewing and Acting upon The Budget of the Sanitary District of the Town of Highland, Lake County, INDIANA. *Councilor Vassar introduced Enactment No. 2010-43.*

Corporation General Fund:

(departmentalized)

Proposed

Office of the Town Council

Personnel Services	\$	78,826
Supplies	\$	700
Other Services & Charges	\$	199,325
Capital Outlays	\$	-
Department Total:	\$	278,851

Advisory Board of Zoning Appeals

Personnel Services	\$	3,359
Supplies	\$	200
Other Services & Charges	\$	7,976
Capital Outlays	\$	-
Department Total:	\$	11,535

Volunteers in Policing

Personnel Services	\$	2,720
Supplies	\$	16,100
Other Services & Charges	\$	2,639
Capital Outlays	\$	-
Department Total:	\$	21,459

Office of the Clerk-Treasurer

Personnel Services	\$	104,774
Supplies	\$	3,400
Other Services & Charges	\$	55,503
Capital Outlays	\$	-
Department Total:	\$	163,677

Building Inspection Department

Personnel Services	\$	218,732
Supplies	\$	6,750
Other Services & Charges	\$	57,178
Capital Outlays	\$	-
Department Total:	\$	282,660

Fire Department

Personnel Services	\$	207,557
Supplies	\$	31,670
Other Services & Charges	\$	85,929
Capital Outlays	\$	14,500
Department Total:	\$	339,656

Plan Commission Dept.

Personnel Services	\$	2,842
Supplies	\$	325
Other Services & Charges	\$	21,746
Capital Outlays	\$	-
Department Total:	\$	24,913

Metropolitan Police Department

Personnel Services	\$	3,296,697
Supplies	\$	93,596
Other Services & Charges	\$	704,542
Capital Outlays	\$	-
Department Total:	\$	4,094,835

Sanitation & Streets Department

Personnel Services	\$	292,552
Supplies	\$	26,450
Other Services & Charges	\$	1,496,636
Capital Outlays	\$	-
Department Total:	\$	1,815,638

Services & Works Board Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	-	\$	-
Other Services & Charges	\$	729,664	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	729,664	\$	-

Town Hall and Monuments Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	3,800	\$	-
Other Services & Charges	\$	49,775	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	53,575	\$	-

Fund Total:	\$	7,816,463	\$	-
Proposed (est.) Rate for the Fund	\$	0.8796	per \$100 dollars of av	
Adopted (Est.) Rate for the Fund	\$	-	per \$100 dollars of av	

Redevelopment General Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 68,589	\$ -
Supplies	\$ 2,000	\$ -
Other Services & Charges	\$ 73,608	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 144,197	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0185	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		

Redevelopment Capital Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 46,100	\$ -
Capital Outlays	\$ 354,000	\$ -
Fund Total:	\$ 400,100	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		

Parks and Recreation Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 884,250	\$ -
Supplies	\$ 105,410	\$ -
Other Services & Charges	\$ 831,597	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 1,821,257	\$ -
Proposed (est.) Rate for the Fund	\$ 0.1999	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Police Pension 1925 Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	748,170	\$ -
Supplies \$	400	\$ -
Other Services & Charges \$	1,105	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	749,675	\$ -
Proposed (est.) Rate for the Fund \$	0.0305	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Parks Dist Bond & Lease Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	-	\$ -
Supplies \$	-	\$ -
Other Services & Charges \$	533,664	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	533,664	\$ -
Proposed (est.) Rate for the Fund \$	0.0899	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Corporation Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	-	\$ -
Supplies \$	-	\$ -
Other Services & Charges \$	535,938	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	535,938	\$ -
Proposed (est.) Rate for the Fund \$	0.1039	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Corporation Bond Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	-	\$ -
Supplies \$	-	\$ -
Other Services & Charges \$	130,737	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	130,737	\$ -
Proposed (est.) Rate for the Fund \$	0.0113	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Motor Vehicle Highway Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	398,864	\$ -
Supplies \$	202,470	\$ -
Other Services & Charges \$	64,086	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	665,420	\$ -
Proposed (est.) Rate for the Fund \$	-	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Local Roads & Streets Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 69,892	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 225,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 294,892	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Municipal Cum Cap Dev Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 7,000	\$ -
Other Services & Charges	\$ 269,825	\$ -
Capital Outlays	\$ 155,400	\$ -
Fund Total:	\$ 432,225	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0591	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
The rate is fixed or capped by I.C. 36-9-15.5 et seq.		

Cumulative Cap Imp. Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 73,228	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 73,228	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Law Enf. Ed., Trng., & Supply Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 17,700	\$ -
Other Services & Charges	\$ 23,900	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 41,600	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Redevelopment Bond Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies	\$ -	\$ -
Other Services & Charges	\$ 248,573	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 248,573	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0253	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Information & Comm Tech

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	17,229	\$ -
Supplies \$	250	\$ -
Other Services & Charges \$	160,501	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	177,980	\$ -
Proposed (est.) Rate for the Fund \$	-	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

VIPS/PARKS Public Safety Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	600	\$ -
Supplies \$	5,400	\$ -
Other Services & Charges \$	-	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	6,000	\$ -
Proposed (est.) Rate for the Fund \$	-	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Solid Waste District Grant Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies \$	20,000	\$ -
Other Services & Charges \$	121,800	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	141,800	\$ -
Proposed (est.) Rate for the Fund \$	-	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Parks Dist Bond & Lease Fund (Regular)

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services \$	-	\$ -
Supplies \$	-	\$ -
Other Services & Charges \$	1,020,000	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	1,020,000	\$ -
Proposed (est.) Rate for the Fund \$	0.2695	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Special Events Non Reverting

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 7,102	\$ -
Supplies	\$ 1,000	\$ -
Other Services & Charges	\$ 58,785	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 66,887	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Total of All Funds:	\$ 15,300,636	\$ -

Sanitary District Special Operating Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ 115,729	\$ -
Supplies	\$ 2,450	\$ -
Other Services & Charges	\$ 91,420	\$ -
Capital Outlays	\$ 18,000	\$ -
Fund Total:	\$ 227,599	\$ -
Adopted (est.) Rate for the Fund	\$ 0.0267	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Sanitary District Bond and Interest Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 934,068	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 934,068	\$ -
Adopted (est.) Rate for the Fund	\$ 0.1391	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Sanitary District Bond and Interest Exempt Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 528,841	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 528,841	\$ -
Adopted (est.) Rate for the Fund	\$ 0.1108	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Total of All San Dist Funds:	\$ 1,690,508	\$ -

3. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Corporation Capital Fund in the amount of \$890,000.**

- (a) Attorney verification of Proofs of Publication: The TIMES 22 Sept. 2010; The POST-TRIBUNE 22 Sept. 2010. Attorney Rhett Tauber indicated that proofs of publication were in compliance with IC 5-3-1
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Consideration of **Appropriation Enactment No. 2010-41:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the **Corporation Capital Fund, in the amount of \$890,000**, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq. Councilor Kuiper introduced and moved the consideration at the same meeting as the introduction of Appropriation Enactment No. 2010-41. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Kuiper moved the passage and adoption at the same meeting of the introduction of Appropriation Enactment No. 2010-41. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was adopted.

Town of Highland
Appropriation Enactment
Enactment No. 2010-41

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the CORPORATION CAPITAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Corporation Capital Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Corporation Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION CAPITAL FUND:

Acct. No. 310.01 Legal Services:	\$ 20,000.00
Acct. No. 310.06 Bond Sale Fin Advisory	\$ 10,000.00
Acct. No. 3XX.XX County Allocation Fee	\$ <u>2,670.00</u>
<i>Total Series:</i>	\$ 32,670.00
Acct. No. 4XX.XX Idlewild Avenue Project:	\$ 450,000.00
Acct. No. 4XX.XX Woodward Avenue Project:	\$ <u>407,330.00</u>
<i>Total Series:</i>	\$ 857,330.00
Total for Fund:	<u>\$ 890,000.00</u>

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies are made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 4th day of October 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark A. Herak, President

Attest:

/s/ Kathleen A. Dowling
Deputy Clerk-Treasurer

Appointments:

1. Executive Appointment to Lake County Convention and Visitors Bureau. *(One appointment to be made by the Town Council President to fill the unexpired term of Mary Rakoczy, who resigned recently, effective September 30, 2010.*
 - (a) Councilor Herak indicated that he has appointed Christine Cash to fill the unexpired term of Mary Rakoczy on the Lake County Convention and Visitors Bureau Board.

Unfinished Business and General Orders:

1. **Introduced Ordinance No. 1477:** An Ordinance to Amend Chapter 150 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, by repealing Section §150.01 in its entirety and providing for a new Section to be named Section § 150.01, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur. (At its meeting of September 07, 2010, the Town Council voted unanimously to request the proper person to prepare the necessary instrument to permit it to consider park and recreation board appointments without regard to political affiliation if the law permitted. This ordinance is presented pursuant to that request.) *Councilor Novak introduced and filed the ordinance. The ordinance was reviewed for mark-up at the Town Council study session of September 27, 2010.*

Councilor Zemen moved to defeat Introduced Ordinance No. 1477. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion was carried. The ordinance was defeated.

**ORDINANCE No. 1477
of the
TOWN of HIGHLAND, INDIANA**

An Ordinance to Amend Chapter 150 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, by repealing Section §150.01 in its entirety and providing for a new Section to be named Section § 150.01, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur.

Whereas, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

Whereas, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

Whereas, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the

operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town of Highland, is a municipality located in Lake County, which operates a Parks and Recreation Department, which has been continuously governed by the provisions of IC 36-10-3 et seq. at least since 1969;

Whereas, The Town of Highland, through its Town Council now desires to still further perfect its own organization as well as that of the Parks and Recreation Department and make certain enhancements to the ordinance establishing and governing the Department of Parks and Recreation, pursuant to IC 36-10-3 et seq.;

Now, Therefore, Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section §150.01 of the Highland Municipal Code is hereby repealed in its entirety and of no further force or effect;

Section 2. That the Highland Municipal Code, be hereby amended by creating a successor section regarding Parks and Recreation, to be styled as Section § 150.01, which shall read as follows:

§ 150.01 DEPARTMENT OF PARKS AND RECREATION

(A) There is hereby established a Department of Parks and Recreation, governed by the provisions of IC 36-10-3 et seq. as amended from time to time. The department consists of a park and recreation board, a superintendent, and other personnel that the board determines.

(B) The Park and Recreation board consists of six (6) members. Four (4) members shall be appointed by the *Town Council* as the *town legislative body* of the municipality. These members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. Further, all members must be residents of the district. In addition, there shall be two (2) ex-officio members as follows:

- (1) One (1) ex-officio member from the governing body of the Lake County Public Library District, to be selected by that governing body, provided the member resides in the Town.
- (2) One (1) ex-officio member who shall be from the governing body of the School Town of Highland and selected by it or a member designated by it.

(C) All members appointed by the town legislative body serve for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(D) Notwithstanding IC 36-1-8-10(c), if an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.

(E) If a vacancy on the board occurs, the *appointing authority* shall appoint a person to serve for the remainder of the unexpired term.

(F) A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the municipal executive, unless the municipal executive is bringing the charges. In that case, the unit's fiscal body shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.

(G) Board of park and recreation; advisory member. The Highland Park and Recreation Board and the Lake County Park and Recreation Board may each designate a member to sit with the other board in an advisory capacity.

(H) *Waiver of political affiliation requirement.* Notwithstanding Section 150.01 (B), the Town Council by majority vote may waive the requirement that a (citizen) member of the Park and Recreation Board be affiliated with a political party. However, the waiver must be necessary owing to both (1) the absence of persons willing to serve on the Park and Recreation Board who satisfy any or all of the requirements. If an appointment is made under this subdivision, the Town Council shall make a finding and determination regarding the necessity of the waiver for the reason required by this subdivision and IC 36-10-3-4.1.

(I) *Waiver of political affiliation limitation.* Notwithstanding Section 150.01 (B), the Town Council by majority vote may waive the requirement that not more than two of the four (citizen) members of the Park and Recreation Board be affiliated with the same political party. However, the waiver must be necessary owing to both (1) the absence of persons willing to serve on the Park and Recreation Board who satisfy any or all of the requirements. If an appointment is made under this subdivision, the Town Council shall make a finding and determination regarding the necessity of the waiver for the reason required by this subdivision and IC 36-10-3-4.1.

Section 3. That the provisions of any existing ordinances, which are in conflict with the provisions set forth in this ordinance are of no further force or effect and are hereby repealed;

Section 4. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 20th day of September 2010. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and REJECTED this 4th Day of October 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Kathleen A. Dowling
Deputy Clerk-Treasurer (IC 1-1-4-1(5); IC 33-16-4-1; IC 36-5-6-5)

2. **Enactment No. 2010-42:** An Enactment to Approve a Temporary, Limited Suspension of Certain Provisions Regarding Business Licensing and Registration Fees for 2010. Councilor Kuiper introduced and moved the consideration at the same meeting as the introduction of Appropriation Enactment No. 2010-42. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Kuiper moved the passage and adoption at the same meeting of the introduction of Appropriation Enactment No. 2010-42. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was adopted.

**Town of Highland
ENACTMENT NO. 2010-42**

**AN ENACTMENT TO APPROVE A TEMPORARY, LIMITED SUSPENSION OF CERTAIN PROVISIONS
REGARDING BUSINESS LICENSING AND REGISTRATION FEES FOR 2010.**

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, I.C. 36-1-3-4 et sequitur, provides that a unit of town government possesses all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, I.C. 36-1-3-8(5) provides a unit of town government enabling authority to impose a license fee reasonably related to the administrative cost of exercising a regulatory power;

WHEREAS, I.C. 36-7-2-2 provides that a unit may plan for and regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements;

WHEREAS, I.C. 36-7-2-3 provides that a unit may inspect any structure or other improvement at any reasonable time;

WHEREAS, I.C. 36-7-2-4 provides that a unit may regulate methods of, and use of materials in repair, alteration, and construction of structures and other improvements;

WHEREAS, I.C. 36-9-2-7 provides that municipalities may regulate the use of public ways; and,

WHEREAS, I.C. 36-8-2-4 provides that a unit may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, I.C. 36-8-2, Sections 9, 10 and 11 provide that a unit may regulate public gatherings, **the operation of businesses, crafts, professions, and occupations** and solicitation by persons offering goods or services to the public or

solicitation for charitable causes;

WHEREAS, Pursuant to the forgoing powers, the Town Council passed and adopted ordinances to regulate businesses by requiring a license for operation first to be effective in 2007 with the most recent action being, Ordinance No. 1453, which was passed and adopted March 22, 2010;

WHEREAS, The Town Council has been advised that in consequence of a recent code enforcement initiative, several businesses have been identified as not having renewed their business license for 2010, subjecting them to the higher license fee of \$50, instead of the regular fee of \$25 for payment before March 1;

WHEREAS, Twenty-two total requests for relief from the higher fee of \$50 and acceptance of the lower fee of \$25 have been presented to the Town Council, two of which have been granted;

WHEREAS, The Town Council seeks relief from the several appeals and desires to respond to these requests with an act that will be responsive while providing administrative efficiency;

NOW, THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the provisions of Section §110.05 Highland Municipal Code, particularly reading “(a) Any person maintaining, operating or conducting any business, business activity, occupation or commercial establishment, or doing business, or engaging in any service or occupation within the town shall pay an annual fee prescribed by this section. (b) In the event there is no specific fee set for the engagement of a particular business or service, then an annual license fee for business or service not otherwise classified shall be \$25.00. If paid after February 28th of the calendar year, the annual license fee shall be \$50.00.(c) Exempt businesses as described in Section §110.08 of this code shall pay a registration fee of \$25.00. If paid after February 28th of the calendar year, the annual license fee shall be \$50.00.” shall remain in force except that subdivisions (b) and (c) shall be temporarily suspended and waived, subject to the provisions of Section 2 of this enactment;

Section 2. That for the purpose of permitting businesses that were advised of non-compliance by a recent code enforcement initiative, to renew or obtain their registration or license without undue burden, all applications for business licenses or registration under Chapter 110, filed **on August 22, 2010 and continuing up to October 29, 2010** shall be construed to have been filed as if the application was received prior to March 1 of this year;

Section 3. That for the purpose of permitting businesses that were advised of non-compliance by a recent code enforcement initiative, and renewed their license or registration paying the higher annual fee due after February 28th, may apply for and receive a refund of \$25 provided:

- (1) That the higher fee payment was tendered between August 22, 2010 and October 5, 2010;and,
- (2) That a request for the refund is *received in writing* by the Office of the Clerk-Treasurer filed **on October 5, 2010 and continuing up to October 29, 2010**;

Section 4. That the forgoing action is limited as described and the provisions of Section §110.05 otherwise remain in full force and effect as well as the provisions of Section 110.06, which particularly read: “ ... that a failure to send out such notice, or the failure of a business to receive it, shall not excuse a business from a failure to secure a license or renewal thereof, nor shall it be a defense in an action for operation without a license;”

Section 5. That the Clerk-Treasurer shall have authority to implement the provisions of this enactment and that this enactment does not create an affirmative duty upon any elected or appointed officer to give particular notice of its provisions;

Introduced and Filed on the 4th day of October 2010. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 4th Day of October 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

/s/Kathleen A. Dowling
Deputy Clerk-Treasurer (IC 1-1-4-1(5)IC 33-16-4-1; IC 36-5-6-5)

3. **Board of Works Order No. 2010-44:** An Order of the Works Board Accepting the Quotation of Brown Equipment Co., Inc. for One (1) American Roads 25 Cubic Yard Leaf Collector as the Lowest Responsive and Responsible Quote.

Councilor Vassar moved to adopt Works Board Order no. 2010-44. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion was carried. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2010-44**

An Order of the Works Board Accepting the Quotation of Brown Equipment Co., Inc. for One (1) American Roads 25 Cubic Yard Leaf Collector as the Lowest Responsive and Responsible Quote

Whereas, The Town of Highland, Department of Public Works, as part of its public duties, has responsibility for solid waste collection and disposal, including leaf collection, throughout the Town of Highland and the Director of Public Works has determined a need to purchase a 25 cubic yard leaf collector in order to carry out its responsibility; and

Whereas, The Public Works Director, pursuant to §31.19(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

Whereas, The Purchasing Agent, pursuant to §31.20(F) of the HMC, expected that the purchase would be more than \$25,000 but not more than \$75,000 and invited quotes from two (2) equipment suppliers in accordance with §31.20(F) of the HMC; and

WHEREAS, THE FOLLOWING QUOTES HAVE BEEN RECEIVED:

<u>COMPANY</u>	<u>MAKE AND MODEL</u>	<u>QUOTE</u>	<u>TRADE-INNET</u>
BROWN EQUIPMENT CO. INC.	AMERICAN ROADS	\$34,500 \$0.00	\$34,500
JACK DOHENY COMPANIES	AMERICAN ROADS	\$37,500 \$0.00	\$37,500

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and; and

Whereas, The purchase will be supported by the Solid Waste District Grant fund and there is sufficient appropriation in order to support the purchase; and

Whereas, The Town Council now desires to approve and authorize the Public Works Director to complete the purchase pursuant to the terms stated herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1 That the quote of Brown Equipment Company, Inc. in the amount of Thirty-four Thousand Five Hundred Dollars and no cents (\$34,500.00) for the purchase of **ONE (1) AMERICAN ROADS 25 CUBIC YARD** leaf collector is hereby accepted as the lowest responsive and responsible quote;

Section 2. That the Public Works Director is hereby authorized to issue a purchase order to Brown Equipment Company, Incorporated and to execute all documents necessary to implement the purchase thereof;

SECTION 3. THAT THE MUNICIPAL FISCAL OFFICER IS HEREBY AUTHORIZED TO EXPEND SOLID WASTE DISTRICT GRANT FUNDS IN ORDER TO SUPPORT AND IMPLEMENT THE PURCHASE.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana this 4th day of October, 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

/s/Kathleen A. Dowling
Deputy Clerk-Treasurer (IC 1-1-4-1(5)IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen commented on the Lincoln Center renovation/remodel.

Councilor Zemen acknowledged the Police Chief who reported that the Police Department has received final approval from the Federal Government for the Opticom grant. Questions were posed from Mr. Johnson related to the differences between infrared versus GPS equipment in police vehicles. Mr. Johnson further inquired about state or local laws prohibiting unauthorized use of Opticom equipment.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar noted that the Plan Commission meeting was cancelled.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak was absent and, therefore, offered no comment.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper had no comments.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Council President Herak recognized the Building Commissioner, Ken Mika, and asked him to obtain a copy of the rental ordinance from the Town of Munster and any information related to regulation of tree stump removal.

Council President Herak recognized the Public Works Director, John Bach, who provided an update on the status of 45th Avenue and a current project on 5th Street.

Council President Herak recognized the Redevelopment Director, Cecile Petro, who reported that the recent addition of Michael's Craft Store has put the Highland Grove Plaza at full capacity. Ms. Petro further reported as to the status of the "Redevelopment Plan 2: and the need for a TIF district in the Redevelopment Business Corridor.

Council President Herak inquired as to the status of the Target entrance/exit on Main St. John Bach reviewed the Traffic Committees intention to have a stoplight placed there.

Comments from the Public or Visitors

1. Janet Mika, 8110 5th St, Highland, inquired as to the status of the repair and clean-up of the alley behind her property. Mr. Bach indicated that a purchase order had been taken out to complete the chip and seal of the alley. A discussion ensued related to the clean-up of the alley and the process for permanently moving trash pick-up from the alley to the street.
2. Ted Oberc, 2704 Lincoln Street, Highland commented on the state of the railroad tracks on 2nd Street. Mr. Bach reported that Norfolk Southern has indicated that the tracks are on their 2011 schedule for repair. Mr. Oberc also commented on a section of 45th Avenue that is not properly sealed. Mr. Bach is aware and indicated that the contractor has already been contacted.
3. Ron Johnson, , had additional questions about the process and function of the Opticom System. Mr. Johnson was asked to speak with Chief Hojnicky directly about his inquiry.

Payment of Accounts Payable Vouchers. Councilor Zemen moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period September 21, 2010 through to October 4, 2010. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$188,878.00; Motor Vehicle Highway and Street (MVH) Fund, \$6,495.06; Local Road and Street Fund, \$12,636.60; Federal Seized Assets Fund, \$301.47; Law Enforcement Continuing Education Training and Supply Fund, \$1,016.20; Retainage Fund, \$19,380.74; AFLAC Flex Spending Account Fund, \$481.51; Gasoline Payment fund, \$12,782.50; Information and Communications Technology Fund, \$4,499.01; Solid Waste District Grant Fund, \$26.38; Select Centennial Commission Fund, \$72.00; Rainy Day Fund, \$23,570.00; Police Pension Fund, \$58,310.24; Municipal Cumulative Capital Improvement Fund, \$27,484.78; Municipal Cumulative Capital Development Fund, \$3,682.76; Traffic and Law Violations Fund, \$3,996.50; Safe Neighborhood Grant Fund, \$20,327.54; Municipal Cumulative Street Fund, \$300.00; Sexual Predator Grant Fund, \$2,100.00; Corporation Capital Fund, \$21.26; Payroll Fund, \$5.86. Total: \$386,368.41.

Adjournment. Councilor Zemen moved that the regular meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, October 4, 2010** was adjourned at 8:15 O'clock p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, October 4, 2010 at 8:15 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper, and Mark Herak were present. Councilor Brian Novak was absent owing to a work commitment. The Deputy Clerk-Treasurer, Kathleen A. Dowling was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council received a presentation on a communication audit performed by a student group at Purdue University Calumet under the director of Professor Thomas Roach, PhD. The presentation included information on the purpose of a communication

audit, .how the audit would function, related costs for the audit, and what type of information the Town could expect at the end of the audit.

The study session ended at 8:42 O'clock P.M.

Kathleen A. Dowling,
Deputy Clerk-Treasurer